

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

FREDDIE FOUNTAIN, #1640115	§	
VS.	§	CIVIL ACTION NO. 6:14cv103
MELISSA ANN FOUNTAIN, ET AL.	§	

ORDER OF DISMISSAL

Plaintiff Freddie Fountain, a prisoner confined in the Texas prison system, proceeding *pro se* and *in forma pauperis*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation concluding that the complaint should be dismissed. The Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections by the Plaintiff are without merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the civil rights complaint is **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). The Plaintiff may refile his family law claims in the appropriate state court. It is further

ORDERED that all motions not previously ruled on are hereby **DENIED**.

Finally, the Plaintiff is hereby informed that the decision dismissing his civil rights claims as frivolous counts as a strike for purposes of § 1915(g). He is cautioned that once he accumulates three strikes, he may not proceed IFP either in any civil action or in any appeal of a civil action which is filed while he is incarcerated or detained in any facility, unless he is under imminent danger of serious physical injury.

So ORDERED and SIGNED this 17th day of March, 2014.

A handwritten signature in black ink, appearing to read 'Leonard Davis', is written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**